

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:15-cv-292**

**CATHERINE SCHEPIS,**

**Plaintiff,**

**vs.**

**TANNER COMPANIES, LLC,**

**Defendant.**

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**ORDER**

**THIS MATTER** is before the Court *sua sponte* to ascertain subject matter jurisdiction.

In the Plaintiff's Complaint, the Plaintiff contends that this Court has jurisdiction upon diversity jurisdiction as set forth under 28 U.S.C. § 1332 (#1).

In the Complaint, Plaintiff alleges that Defendant is a North Carolina limited liability company with its principal place of business located in Rutherford, North Carolina.

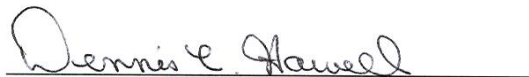
Courts have an affirmative duty to question subject matter jurisdiction even when the parties have not done so. Interstate Petroleum Corp. v. Morgan, 249 F.3d 215 (4<sup>th</sup> Cir. 2001); Plyer v. Moore, 129 F.3d 728, 732 n.6 (4th Cir. 1997), *certiorari denied* 524 U.S. 945, 118 S.Ct. 2359, 141 L.Ed.2d 727 (1998); 28

U.S.C. §1447(c)(“If at any time before final judgment it appears that the district court lacks subject matter jurisdiction, the case shall be remanded.”). A limited partnership is a citizen of all states in which its constituent members are citizens. Carden v. Arkoma Associates, 494 U.S. 185, 110 S.Ct. 1015, 108 L.Ed.2d 157 (1990). The Court has not been advised as to the citizenship of the constituent members of Tanner Companies, LLC and therefore the Defendant will be required to disclose the names and addresses of its constituent members or partners.

### **ORDER**

**IT IS, THEREFORE, ORDERED** that on or before **March 23, 2016**, the Defendant shall file a response disclosing the names and citizenships, if any, of all the constituent members or partners of Tanner Companies, LLC, and for any such constituent members or partners that are limited liability companies or partnerships, to identify the citizenships of the respective constituent members or partners until all such constituents are fully identified.

Signed: February 23, 2016



Dennis L. Howell  
United States Magistrate Judge

